

## REMARKS

Claims 1-21 are pending. Claims 1-21 were rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan (U.S. 6,141,339). The rejection of claims 1-21 is respectively traversed.

Kaplan describes a communications system using “ADSL technology to transport ATM over the local loop” (column 3, lines 1-4). “It is important to point out that the invention converts POTS traffic to ATM traffic at the residence, and preferably carries this ATM traffic over an ADSL connection to the mux. The invention also converts non-voice traffic to ATM traffic, and preferably carries this additional ATM traffic over the DSL connection to the mux” (column 1, lines 40-45).

ATM/SONET interfaces are included “to communicate over the SONET rings. In preferred embodiments, the muxes interwork between ADSL connections from the residences and SONET connections to the service nodes. Thus, communications between the residence and the mux are preferably carried over ADSL/ATM connections, and communications between the mux and the service node are preferably carried over SONET/ATM connections. The mux converts between ADSL/ATM and SONET/ATM” (column 3, lines 50-62).

Kaplan does not teach or suggest packet networks, an ATM cell-containing packet, or a packet switch device configured to receive the ATM cell-containing packet. It is believed that the material cited by the Examiner does not relate to packet networks or packets.

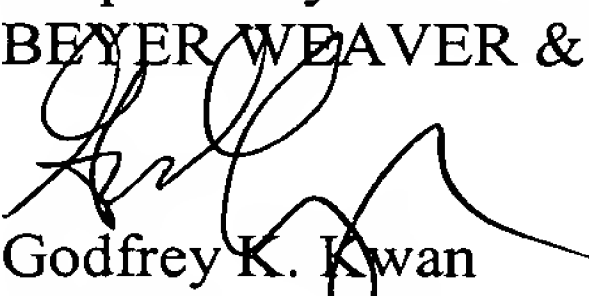
Kaplan describes ATM over ADSL networks coupled to SONET rings. Both the described ADSL networks and SONET rings are cell-based networks using ATM, not packet-based networks using mechanisms such as IP. As noted in Kaplan, there is “high bandwidth available with ATM over ADSL and SONET” (column 5, lines 1-2). “ATM interface 206 provides ATM cells to ADSL modem 206 for transport to mux 220. Mux 220 is connected to SONET ring 230” (column 3, lines 27-32).

By contrast, the independent claims recite a packet switch device, an ATM cell-containing packet, packet headers, and/or an aggregated stream including both ATM cells and packets. Kaplan does not teach any of these elements because the cited SONET ring and ATM/ADSL system does not even include a packet based network. Without packets, there can

be no ATM cell-containing packets, packet switch devices, packet headers, or aggregated streams including both ATM cells and packets. The cited material does not describe ATM cell and packet interfaces, packet networks, or packets. It is respectfully submitted that the noted elements in the independent claims are not taught or suggested by the material cited by the Examiner.

In light of the above remarks relating to independent claims, the remaining dependent claims are believed allowable for at least the reasons noted above. Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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